

Regular Meeting Minutes of November 15, 2017 Bainville Town Council

The Regular meeting of the Bainville Town Council was called to order at 7:00 p.m. by Mayor Dennis Portra at the Bainville Town Hall. Present were: Matt Giese, Mandy Hickel, Dennis Portra and Scott Ross. A **quorum** was established. Also present were Clerk, Nikki Rogers; Public Works Director, Lyle Lambert; City Attorney, Greg Hennessey. Guests included: David Norton, Jeana Goff and Ron Butikofer.

Scott Ross moved to approve the agenda as submitted. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Matt Giese moved to approve the minutes dated October 9, 2017 as submitted. Mandy Hickel seconded the motion. All voted in favor and motion carried.

Public Comment

The Council discussed two submitted Citizen complaints:

1. Complaint 1 addressed parking of a semi truck on Flynn Avenue East to close to the Stop sign. Council suggested the Clerk inform the complainant the driver of the truck has been notified and truck has been moved within the allowed feet of the stop sign.
2. Complaint 2 addressed a dog complaint on Flynn Avenue East whereas a dog has acted aggressive towards a neighbor. The Council suggested the Clerk email the complainant to find out a description of the dog and notify the complaint to the Sheriff's office.

Public Works Report

Lyle Lambert, Public Works Director gave the following report:

1. Christmas Lights have been installed on Clinton. He has received some positive feedback from the public.
2. Replacing the park light in Simard Park. He asked the council which would be more of a cost-effective way to fix the light in the park. He has researched the cost of heavy duty light poles and they are spendy. A suggestion was brought up to buy the same light pole but be able to fill the pole with concrete to make it sturdier, so the poles don't break easy.
3. Water shut offs. Mr. Lambert stated the
4. Yield signs have been installed by the Lutheran church on 7th Avenue East and Clinton Street. He stated there have been some near accidents at this intersection with people who are not watching for each other and zooming through the intersection following big trucks.
5. An update of the Wastewater Grant:
 - a. He stated he forgot to add in the Contingency
 - b. The Toolcat has been okayed.
 - c. The sewer camera has been okayed.
 - d. The building at the Lift Station has been okayed.
6. Dry Prairie will be making some repairs to their system so they will shut the Town of Bainville down for two days. This will be a good test to see how the Town survives on the water in the storage tank.

Roosevelt County Sheriff's Department Update--None

Local Emergency Planning Committee

The Local Emergency Planning Committee met at the Bainville Fire hall on November 14, 2017. The State of Montana has done some redistricting of the Disaster Emergency Services. The current district includes 9 counties and 1 reservation. The new district will include 24 counties and 3 reservations in Eastern Montana. Two people, one from roundup and one from Billings will be the District Field Officers. Our district will face large funding cuts.

Old Business

- A. Zoning Permits: None
- B. Discussion on a quiet title for the Dorothy Crawley property.—Attorney Hennessy
Attorney Hennessy stated the quiet title has been advertised in the newspaper and is going through the proper channels.

New Business

- A. Zoning Permits: None
- B. Ordinance—An ordinance amending Title 7 Health and Welfare, Chapter 4 Garbage Sections 30 Containers for and Disposal of Garbage adding mattresses under items and Section 50 Fees by changing each person who shall be connected with the water system to each property owner who shall reside within town limits be required to pay garbage collection fee.

Recommended motion: *I move to adopt an ordinance amending Title 7 Health and Welfare, Chapter 4 Garbage Sections 30 Containers for and Disposal of Garbage adding mattresses under items and Section 50 Fees by changing each person who shall be connected with the water system to each property owner who shall reside within town limits be required to pay garbage collection fee and set a public hearing on December 11, 2017.*

Clerk Rogers discovered in Title 7 Chapter 4 Garbage Sections 030 Containers for and Disposal of Garbage adding mattresses under items and section 050 of the Bainville Town Code limited to whomever resides in the Town Limits and connected with the water system can only be charged the garbage rate. Attorney Hennessy and Clerk Rogers suggested the change be to the following:

“Each property owner, Landlord, Tenant, Lessor, Lessee or such others as reside or occupy a residence or other structure within town limits without limitation be required to pay garbage collection fee, which shall be due and collectable in the same manner as the water and sewer accounts.”

Scott Ross moved adopt an ordinance amending Title 7 Health and Welfare, Chapter 4 Garbage Sections 030 Containers for and Disposal of Garbage adding mattresses under items and Section 050 Fees by changing each person who shall be connected with the water system to property owner, Landlord, Tenant, Lessor, Lessee or such others as reside or occupy a residence or other structure within town limits without limitation be required to pay garbage collection fee, which shall be due and collectable in the same manner as the water and sewer accounts and set a public hearing on December 11, 2017. Matt Giese seconded the motion. All voted in favor and motion carried.

- C. Discussion on a new Street Light in the 1st Street to 3rd Street and Rhea Avenue to Flynn Avenue. Jeana Goff has put in a formal request for a street light in the area of Rhea Avenue from 1st Street to 3rd Street. Clerk Rogers stated she has talked with Robin Manning regarding putting in street lights and Mrs. Manning stated her opposition to having a new street light but she knows it is a matter of time before there will be a new light. Mr. Lambert stated MDU was in town to look at the area and agreed 2 new street lights would be beneficial as the line from 1st Street would be not long enough. They can not dig underground. By Council consensus two (2) new Street lights will be installed in this part of town.
- D. Discuss Water System Improvement Project lawsuit from C&C Excavation.
Attorney Hennessy stated he has been served by Halverson, Mahlen and Wright, P.C. regarding the Town of Bainville/Bainville Water Systems Improvements Project 2016 by C & C Excavation. Clerk Rogers will work with Attorney Hennessy regarding the requested documents from Halverson, Mahlen and Wright, P.C.

E. Treasurer's Report:

- Approve claims with checks dated November 15, 2017 in the amount of \$21,949.84.
- Approve JV, UB Vouchers, and Payroll slips
- Review account receivable

Matt Giese moved to approve the treasurer's report. Scott Ross seconded the motion. All voted in favor and motion carried.

Matt Giese moved to adjourn the meeting at 8:15 PM. Scott Ross seconded the motion. All voted in favor and motion carried.

Attest:

Approved By:

/s/Nikki Rogers

Nikki Rogers, CMC
Clerk-Treasurer

/s/Dennis Portra

Dennis Portra
Mayor